

03-22-01



03/20/01

Certificate of Express Mailing Under 37 C.F.R. §1.51

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed via "Express Mail Post Office to Addressee" service of the United States Postal Services (Express Mail Label No. EL 841 307 526 US) on the date shown below in an envelope addressed to the Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Dated: 3-20-01

By:

Jane K. Babin

H5aa



IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE
REQUEST FOR FILING
(RULE 53(b)(1))

For Design or Utility Applications

(DO NOT USE FOR CIPs)

Rule 53(b)(1) PATENT APPLICATION:

☒ Continuation) application under 37 CFR 1.53(b)(1)

☐ Divisional)
Application under 37 CFR 1.53(b)(1)
of pending prior application of

Group Art Unit: 1654

Examiner: A. Davenport

Inventor(s): Warren et al.

Parent Appln. No.: 09 007,520
Series Code ↑ Serial No. ↑

Atty. Dkt. P 278741

New M#

Client Ref

Parent Filed: January 15, 1998

This Appln. Filed: March 20, 2001

Title: PEPTIDE SPECIFICITY OF ANTI-MYELIN BASIC PROTEIN AND THE ADMINISTRATION OF
MYELIN BASIC PROTEIN PEPTIDES TO MULTIPLE SCLEROSIS PATIENTS

Hon. Commissioner of Patents
Washington, DC 20231

Date: March 20, 2001

(Parent Matter No. 276382)

Sir:

To effect the above-requested filing today:

1. **Attached** is a copy (**which must be filed**) of the prior application, including:

- ☒ Abstract
☒ Specification and claims (34 pages) (**must be attached**)
☒ Drawings (**must be attached if originally filed**): 13 sheet(s)/set: ☐ 1 set informal;
☒ Formal of size ☐ A4 ☒ 11"

1A. Always X one box, only:

- (1) ☒ Copy of **Signed** declaration or oath as originally filed in prior application **attached**
(2) ☐ **NO** declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. ☐

This application is hereby filed by **less than all of the inventors** named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are **not** inventor(s) of the invention being claimed in this application (**DELETE THE FOLLOWING INVENTOR(S)**):

1. _____
3. _____
5. _____
7. _____

2. _____
4. _____
6. _____
8. _____

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. _____
 3. _____
 5. _____
 7. _____

2. _____
 4. _____
 6. _____
 8. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☐ Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ of _____ (country)

	<u>Application No.</u>	<u>Filing Date</u>		<u>Application No.</u>	<u>Filing Date</u>
(1)	_____	_____	(2)	_____	_____
(3)	_____	_____	(4)	_____	_____
(5)	_____	_____	(6)	_____	_____

a. ☐ _____ (No.) Certified copy/copies attached.

b. ☐ Certified copy/copies previously filed on _____ in _____
 U.S. Application No. _____ / _____, filed on _____
 series code ↑ ↑ serial no.

c. ☐ Certified copy/copies filed during International stage of PCT/ _____ / _____

(a) ☐ Domestic priority is claimed from _____ / _____, filed _____
 PCT/ _____

(b) ☐ Benefit is claimed of Provisional Application No. 60/_____, filed _____.

☒ Prior application is assigned to The Governors of the University of Alberta

by assignment recorded December 23, 1994 Reel 7276 Frame 0356
 (Date)

☒ Attached is the following number of Assignments (including original and all later successive ones by different assignors): _____ and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

(Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to John R. Wetherell, Jr., Ph.D.

(Name and Reg. No.)
 whose current address is as in item 8 below.

a. ☒ Recognize as associate attorney Jane K. Babin, Ph.D.

(Name, Reg. No. and Address)

8. Address all future communications to Intellectual Property Group
 of Pillsbury Winthrop LLP, 50 Fremont Street, San Francisco, CA 94105-2228

9. ☒ Amend the specification by inserting before the first line the sentence: This is a

☒ continuation ☐ division of Application No. 09/007,520, File January 15, 1998
 d

series code ↑ ↑ serial no.

9. (a) ☐ Amend the specification by inserting before the first line: --This application claims the benefit of
 Provisional Application No. 60/_____, filed _____.

10. Small Entity Status ☐ is Not claimed ☒ is claimed (pre-filing confirmation required)

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:

- ☒ filed in above prior application
☐ attached.

11. Petition to extend the life of the above prior application to at least the date hereof
 (one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).
 (must be) ☐ was previously filed in that prior application (Check length of prior extension).
 (X'd) ☐ is not necessary for copendency (Double check before X'ing this box).

12. ☐ **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. .

13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.

14. ☐ **PRELIMINARY AMENDMENT to be entered before fee calculation:** (Do not make amendments here except for correction of improper multiple dependencies or cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do not cancel all claims).

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

-->-->--> CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14 <--<--<--<

NOTE: If box 1A2 is X'd, do not pay fees,
but leave lines 15-22 and 27-32 blank.

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

				Large/Small Entity		Fee Code
15. Basic Filing Fee Design Application				\$320/\$160		106/26
16. Basic Filing Fee Utility Application				\$710/\$355	+355	101/201
17. Total Effective Claims	21	minus 20 =	1	x \$18/\$9	+9	103/203
18. Independent Claims	3	minus 3 =	0	x \$80/\$40	+0	102/202
19. If any proper multiple dependent claim (ignore improper) is present,				\$270/\$135	+0	104/204
				Subtotal =	\$364	
20.					+0	122
21. If "petition" box 13 above is X'd, add petition fee. \$130					+40	581
21A. If box 6 above is X'd, add Assignment recording fee \$ 40						
				TOTAL FILING FEE ATTACHED =	\$404	

22.

(carry forward to Item 31)

23. ☒ ATTACHED: Assignment Recordation Cover Sheet
24. ☐ Preliminary Amendment attached (to be entered after assigning Appln. No.)
25. ☐ See **NONPUBLICATION REQUEST** under Rule 213(a) attached (Pat-258)

26.

**ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25**

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee	File Code
			<u>Large/Small Entity</u>		
27.	Total Effective Claims *	minus ** 20	= 0 x \$18/\$9	= \$ 0	(103/203)
28.	Independent Claims *	minus *** 3	= 0 x \$80/\$40	= + 0	(102/202)
29.	If amendment enters proper multiple dependent claim(s) into this application for the first time, add (per application)\$270/\$135			+ 0	(104/204)
30.			ADDITIONAL FEE	\$ 0	
31.			plus FEE from item 22 on page 3	+ 0	
32.			<u>TOTAL FEE ATTACHED</u>	<u>\$ 0</u>	

*If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

**If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space

***If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space

Our Deposit Account No. 03-3975

Our Order No. 98810	278741
C#	M#

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.
This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP
Intellectual Property Group**

50 Fremont Street
San Francisco, CA 94105-2228

Tel: (415) 983-1000
JKB/pm
Atty./Sec.

By Atty: John R. Wetherell, Jr., Ph.D.

Sig: 

Reg. No. 31,678

Fax: (415) 983-1200
Tel: (858) 509-4022

NOTE No. 1: File this Request in duplicate with 1 postcard receipt (PAT-103) & attachments
NOTE No. 2: Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.
 If yes, printout Pat-111 and head it in parent.